



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,817	10/24/2005	Philippe Stalder	5019-1003	6462
466	7590	04/09/2007		
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER GOODWIN, JEANNE M	
			ART UNIT	PAPER NUMBER
			2833	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

TH

Office Action Summary	Application No. 10/527,817	Applicant(s) STALDER ET AL.	
	Examiner Jeanne-Marguerite Goodwin	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10-13 is/are rejected.
- 7) ☒ Claim(s) 6-9, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the mirror-side surface as stated in claim 2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: In the specification

Art Unit: 2833

page 6, line 3: “a coil 6” should be --an antenna 6-- for antecedent purposes. Appropriate correction is required.

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: “the mirror-side surface” as stated in claim 2.

Claim Objections

4. Claim 13 objected to because of the following informalities: For proper dependency, claim 13 should be dependent upon claim 12. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 5, 10 and 12 rejected under 35 U.S.C. 102(b) as being anticipated by US 6,824,304 to Miyama.

Regarding claim 1: Miyama discloses a timepiece having a back of a watch (100) comprising a cover (120) that defines the external surface of the back, characterized by a false back (140) installed against the internal surface of said cover.

With respect to claim 12: the method steps will be met during the normal assembly of the device stated above.

Regarding claim 5: Miyama further discloses a timepiece having the back of the watch case according to claim 1, wherein said false back (140) is attached securely against said internal surface of said cover (120) (col. 2, lines 56-66).

Regarding claim 10: Miyama further discloses a timepiece having the back of a watch case according to claim 1, wherein said cover (120) and or said false back (140) are metal (col. 2, lines 50-56).

7. Claims 1-3, 11 rejected under 35 U.S.C. 102(b) as being anticipated by US 5,500,837 to Flury.

Regarding claim 1: Flury discloses a timepiece having a back of a watch comprising a cover (7) that defines the external surface of the back, characterized by a false back (13) installed against the internal surface of said cover (see Figs. 3-6).

Regarding claim 2: Flury further discloses the back of the watch case according to the claim 1, wherein said false back (13) comprises a decoration (21) (see Fig. 2).

Regarding claim 3: Flury's decoration (21) appears to be marked in the thickness of said false back (13).

Regarding claim 11: Flury discloses a timepiece having a false back (13) intended to be installed against the internal surface of cover (7) of the back of a watch case and comprising a surface provided with decoration (21).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Flury.

Regarding claim 4: Flury's cover (7) appears to be integral to the middle of the watch case (Figs 3-6). Flury discloses the claimed invention except for the attachment means. It would have been obvious to one having ordinary skill in the art at the time the invention was made to separate the cover from the middle of the watch case, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. See *Nerwin vs. Erlichman*, 168 USPQ 177, 179. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to separate the cover from the middle of the case and then use attachment means, e.g., screws, since both are alternative types of fastening methods which will provide the same function, if one is replaced with other, of fastening elements together securely.

10. Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Flury in view of US 4143507 to Ganter et al. [hereinafter Ganter].

Regarding claim 13: Flury discloses a device as stated above with regards to claim 1.

Art Unit: 2833

Flury discloses all the subject matter claimed by applicant with the exception of the limitation stated in claim 13, i.e., a prior step of stamping of the false back from a plate of even thickness. Ganter discloses a similar plate (2) to Flury's false back (7). Ganter further teaches forming the plate (2) by stamping. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use to apply the stamping process, as taught by Ganter, to the false back of Flury, in order to easily adapt the false back to the internal shape of the cover.

Allowable Subject Matter

11. Claims 6-9, 14 and 15 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 disclose related devices. US 4421423 to Lederrey discloses an internal surface (3) to a back cover (1); and US 2006/01040058 to Kalbermatten et al. Discloses an electronic module in or on a glass of a watch.

13. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate

Art Unit: 2833

Fridays off. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2861.

JMG
March 26, 2007



VIT MISKA
PRIMARY PATENT EXAMINER
TECHNOLOGY CENTER 2800